

BLYTH ESTATE CASE.

HEIRS ASK THAT THE WILL BE SET ASIDE.

It is Claimed That the Deceased Was Not of Sound and Disposing Mind—County Court.

Charles Blyth, a minor heir of the late John L. Blyth, by his guardian, Margaret McKay Blyth, has just filed in the probate court a petition for the revocation of the will of the deceased, John L. Blyth, and a new will being the attorneys for the heirs.

The petition is addressed to Judge Blair, and represents that the petitioner is of the age of 17 years; that on the 26th day of May, 1892, an instrument in writing purporting to be the last will and testament of the deceased was admitted to probate, but it is contended that the will ought not to have been admitted for the reason that at the time of executing it the deceased was "so enfeebled by disease and so confused in mind, owing to his situation and the circumstances surrounding him that he was not of such sound and disposing mind as to be able to execute understandingly the instrument of the complicated character set forth as said last will and testament, and therefore your petitioner avers that said instrument was not executed at a time when said deceased was of sound and disposing mind. That at the next of kin and all heirs of the deceased join in this petition.

Hence it is prayed that the probate be revoked and the said will be set aside.

Among the provisions of the will are the following:

Out of the income of my property to pay to my second wife, Margaret McKay Blyth, the mother of three of my children hereinafter named, the sum of \$40 each and every month during her life, and also permit her, the said Margaret McKay Blyth, to reside in and occupy the house and premises now occupied by her, being part of lot 2, block 21, plat A, Salt Lake city survey, for and during the natural life, as her home, rent free.

I hereby authorize and direct the executors and trustees to convey to my adopted son, Daniel L. Blyth, a life interest, and estate in part of lots 4 and 5, block 1, five acre plat B, Big Bend survey, being about eighty acres of land, situate in Salt Lake county, Utah territory, with the remainder in fee simple to his children. This piece of land aforesaid is to constitute and be the whole interest of said Daniel L. Blyth, in any of my property or trust estate.

Out of the income and profits of my property I hereby authorize and direct the executors to use the sum of \$100 per month for and during the period of time that this trust shall continue, which said sum shall be used and disposed of by them as follows, to wit: \$10 per month of said amount to be given each month to the president of the Salt Lake temple to aid in paying the necessary expenses in and about said premises, the balance of said sum of \$100 per month, to wit, \$90 per month, shall be used and disposed of by the said executors and trustees in paying the necessary expenses of obtaining the genealogies of my family and the families of said second wife, Margaret Mitchell Blyth and Margaret McKay Blyth, and to do the necessary work in the temple for any of our dead kindred. Said executors and trustees, in their discretion, employ an experienced person to obtain these genealogies and to perform the necessary work for our dead ancestry in said temple, as shall be necessary and proper, in harmony with the doctrine, belief and religious tenets of the Church of Jesus Christ of Latter-day Saints; provided, however, that in case all of this fund of \$90 per month shall not be used in doing said work aforesaid, or if the time shall come when all of our dead kindred have been buried shall have had done for them all necessary and proper work in said temple according to said religious belief, then said \$90 per month shall thereupon be paid to the president of said temple for its use and benefit and for the necessary expenses and repairs in and about said temple at Salt Lake for and during the period of said trust. In case it shall be decided by any court of competent jurisdiction that the fund above provided to be paid to said temple for the expenses and work therein, including the obtaining of the histories and genealogies of our families, is void for any reason, then said \$90 per month shall be held, controlled and used by the trustees under this will for the use and benefit and for the improvement of my estate generally.

The balance, residue and remainder of the income of said trust property shall be paid to my wife Margaret Mitchell Blyth for her support and use and for improvements, expenses and repairs of, in and about, my real property—such improvements and expenses to be made under the direction and in the discretion of my said wife and with the aid of the executors of this will.

Upon the decease of my said wife, Margaret Mitchell Blyth, the income of said property shall be held, managed and controlled by the trustees under this will, and the net income shall be paid by them for the improvement and repairs of my real estate, to the extent said trustees shall deem necessary and best, and the balance to my children, share and share alike, whose names are, as follows, to wit: John A. Blyth and Elizabeth Mitchell, children of myself and first wife, Margaret Mitchell Blyth; and Annie Blyth, Harold, Margaret Elizabeth Blyth and Charles Blyth, children of myself and my second wife, Margaret McKay Blyth; and also the decease of my said children respectively in trust for their children forever; provided that the children of any deceased person above named shall inherit their father's or mother's share only, and provided further that in case of the decease of any child without having issue, his or her share shall revert to the trustees hereof, in trust for the balance of my children, and said income so to be paid to daughters, as above provided, shall be held, used and enjoyed by them respectively, free and clear of the management or control of the husbands of any one of them.

Upon the death of all my children, the said executors and trustees under this will shall divide, distribute and partition my property among my grandchildren, the children of any one of the above named, inheriting their parents' share only.

I hereby nominate and appoint William A. Rowley and Hamilton G. Park executors of and trustees under this will, with all the powers aforesaid; and in the payment of debts, dividing the income and finally distributing and partitioning all of my property, and their successors in said trust may act freely and without bonds, probate or other kind, and without any authority from or approval by the probate court or any other court, and their acts and doings in regard to the distribution of my property, and the partitioning thereof, shall be final and conclusive, in case of the death or refusal or incapacity of said or any succeeding trustee to act, I hereby authorize my children and my grandchildren who are or may be at such time over the age of 21 years, with the survivor of said trustees, and with the consent of my said wife, Margaret Mitchell Blyth, if she be living, to appoint a new trustee or trustees from time to time, who shall without further deed or paper be vested with all the rights, privileges, powers and authority of his predecessor; but the surviving trustee shall, upon the request of such new appointee, make conveyance to such new appointed trustee of an individual one-half of the property hereby bequeathed and devised.

He will further stipulates that in the event of the children, grandchildren, survivors of the trustees, and the said wife, failing to agree as to a successor, or in case any of them could not or would not act in such selection,

or in case any of them are absent from the territory or future state of Utah, then two-thirds of such persons, at a meeting called for that purpose, shall make a successor, or from time to time successors, for the office of trustee.

The trustees are authorized to make leases of the deceased's real property for terms of years, not exceeding twenty years from the date of such lease.

Joseph E. Taylor and David W. James are the witnesses to the will, which was signed by the deceased, April 8, 1892, and filed May 9 following.

Among the numerous witnesses cited to appear and testify are President Wilford Woodruff, President Lorenzo Snow, of the Salt Lake temple, Daniel L. Blyth and each of the minor heirs.

Attorney LeGrand Young has been appointed to legally represent all the minors except the petitioner therein.

The case is set for hearing on March 15.

The following orders were made yesterday:

Estate and guardianship of Frank C. Foote et al., minors; hearing on annual report set for March 28.

Estate and guardianship of Pearl Fowler et al., minors; hearing on petition for letters of guardianship set for March 25.

THE COUNTY COURT.

Compensation of Hancock and Fisher for Copying Record.

The county court met yesterday, all the members being present.

County Physician Worthington reported that county had one patient at St. Mark's hospital and three at St. Mary's.

A petition from J. W. Snell, asking for relief on account of a tax sale, was filed.

The compensation of Messrs. Hancock and Fisher for copying the old record in the county recorder's office, was fixed at 60 cents per page, which means that the job will cost about \$1440.

The report of the superintendent of the infirmary was filed.

Chief Clerk Sower, of the Council branch of the Legislature, notified the court that its claim for moneys had been rejected. Referred to Attorney Murphy and Selectman Morris.

Le Grand Young, chairman of the city council committee on canals, asked the court to meet with him and make some arrangements in regard to the labor of keeping the canal in repair.

The following communication from School Superintendent D. R. Allen was received and filed:

After careful consideration of the present financial condition of the school district, and the needs of the ensuing year, I estimate that a tax of 2 mills upon the taxable property of the county will be needed for the school year 1894-95. This estimate is sent to comply with section 80 of the school law.

Kalander & Co., of Bingham, was allowed a liquor license.

The usual appropriations were made.

MAY NOT COME OFF.

A Snag in the Negotiations for the Intercollegiate Debate.

It now seems as if the contemplated debate between the University of Utah and the University of Colorado will not come off. The latest word from Colorado is that great dissatisfaction exists among the students owing to the manner in which the debate was chosen.

Instead, it is said, of choosing them from the university at large, one was chosen from each literary society, consequently the best men have not been secured. And then, to make the matter all the worse, the faculty of Colorado has decided that the intercollegiate contest comes under its jurisdiction. Indications are that it will eventually squash the whole proceeding, although it will take no action until the students have reached some agreement. It is therefore altogether probable that Colorado will give up the project of holding the forensic contest.

If, however, the tables should be turned and a favorable action should be taken, it is quite likely that the debate will take place in this city in the theatre about May 1. W. G. Roylance, P. W. Reynolds and L. E. Young, of the class of '95, have already been chosen by the students to represent the University of Utah. The question for debate has not yet been decided upon. Utah has a choice of the question and Colorado of either side. There will be about five judges, some of whom will no doubt be of this city. An effort will be made to get President Jordan, of the Leland Stanford, Jr., university, to act as one of them, but there are some doubts whether these efforts will prove successful.

What Stronger Proof

Is needed of the merit of Hood's Sarsaparilla than the hundreds of letters continually coming in telling of marvelous cures it has effected after all other remedies have failed? Truly, Hood's Sarsaparilla possesses peculiar curative power unknown to other medicines.

Hood's Pills cure constipation by restoring the peristaltic action of the alimentary canal. They are the best family cathartic.

Cut Rates to the East.

In addition to cut rates already authorized by the Rio Grande Western to all Missouri river points, that road has now announced a round-trip rate of \$47.50 to St. Louis and \$35 round-trip to Chicago. The tickets are good for sixty days from date of issue.

For Sale Cheap.

Minion body type in first class condition, any quantity up to 2,000 pounds. Apply at this office.

To Picturesque Subscribers.

Part two has been received and can be had at The Herald counting rooms.

THE RATE WAR.

Effects Salt Lake Over the Union Pacific.

Commencing March 1st, the Union Pacific will sell first-class tickets to Omaha, Kansas City, Sioux City, and Missouri River points at \$20. Round trip, \$35.50. Two fast trains daily, reaching above points quicker than via any other line. The only dining car line.

TO ADVERTISERS.

The Herald has the largest circulation in Utah. It is a visitor to more homes in this territory and the surrounding region than any other newspaper published. Its constituency comprises more heads of families than any other, and it is therefore the best advertising medium in Salt Lake.

BURLINGTON ROUTE.

Reduced Rates.

Taking effect March 1st, 1894, \$20.00 will be the one way fare and \$35.50 the round trip fare between Ogden, Spanish Fork and intermediate points and Omaha, Council Bluffs, St. Joseph, and Missouri River points at \$20. Round trip, \$35.50. Two fast trains daily, reaching above points quicker than via any other line. The only dining car line.

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77 I am seventy-seven years old and have had my eyes treated at Swift's Specific. My eyes were running sore for two years, and physicians said I could not be cured. After taking fifteen small bottles S. S. S. there is not a sore on my eyes and I have a new lease on life. You can't tell me I am not a sufferer from your wonderful remedy. IRA E. STILES, Palmetto, Kansas City.

SSS IS A WONDERFUL REMEDY FOR ALL AFFECTIONS OF THE EYES. It builds up the general health. Treats on the blood matter.

SWIFT SPECIFIC COMPANY, Atlanta, Ga.

WEAK-MAN DO YOURSELF IN FIFTEEN DAYS. I will send FREE to any man a prescription of a new and positive remedy to enlarge small, weak organs, and cure for all weakness in young or old men. Cures cases of Lost Sperm, Backache, Nervousness, etc. in 3 days; disease never returns. Correspondence private. All letters sent in plain sealed envelope. Address: T. C. BARNES, Lock Box 230, News Dealer, Marshall, Mich.

SNAPS. IN REAL ESTATE AND FINE HORSES.

I Have Decided to Sell Everything, so Any Reasonable Offer will be Taken.

One half of Troy Laundry building, 60x120. Leased for ten years. Pays 10 per cent. This is the best investment in the city.

54140, corner near D. & R. G. depot, a big bargain.

Is lots, Second North and Fifth West, cheap.

Offers and dwellings for rent.

Fine residences on E and near First Street.

New two story red stone and frame residence, 8 rooms, bath, cellar, electric light, lot 41x165, price, \$1,300 cash, balance 3 and 4 years at 8 per cent. This is one of the most desirable places in the city.

Two story brick, 6 rooms, corner Fourth East and Fourth Avenue, lot 30x140; price, \$2,400, \$700 cash, balance long time at 8 per cent.

Two story brick, K street, between Third and Fourth, 40x135, 7 rooms, bath, water, car lot, 100 feet deep, price, \$4,000, \$1,000 cash, balance easy time.

Will trade good real estate for the pick of horses.

Land to trade for band of horses.

I want a lot of horses for CASH, from \$500 to \$1,000—bring them quick.

300 lots in East's Grove at prices that will make you buy.

1724 acres in Bonanza, B. G. W. R. R. runs through it, all leased, good six-room house, large barn and shed, chicken house, corral and all necessary improvements, plenty of water, about 120 acres in hay and garden—joining orchard—will sell for \$50 per acre less than any neighborhood farm.

40 acres, 11 miles south of Salt Lake, first-class land, no improvements, but terms adjoining.

10 acres in Bonanza, on Dummy line, corner on county road, good house, granary, orchard and small fruit. Price, \$2,000; \$1,000 cash, balance 2 and 3 years at 8 per cent. A bargain.

Truck, 2144, and truck outfit, cheap.

Will stand in cash \$100 for season, one half the usual price, also have cheaper stallions.

Fine driving horses cheap.

Will trade for anything of value.

Will take a limited number of horses to train for speed—run a big price.

A. G. BAST, Room 27, Moran Block, Second South, west of Main.

WARM WEATHER

IS going to bring out all the Bicycles. Better call and have your '93 wheel cleaned up. Get a Bell and Lamp, while you are at it, or Marshal Pratt May get you for a boarder.

We are now agents for the Crescent wheels, made by the Western wheel works